



Jackson Lewis P.C.
44 South Broadway, 14th Floor
White Plains NY 10601
(914) 872-8060 Direct
(914) 946-1216 Fax
jacksonlewis.com

July 16, 2021

VIA ECF & E-MAIL
(chambersnysdseibel@nysd.uscourts.gov)

Hon. Cathy Seibel, U.S.D.J.
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Re: Fiore v. The University of Tampa
Case No.: 20-cv-03744 (CS)

Dear Judge Seibel:

We represent Defendant The University of Tampa ("Defendant" or the "University") in the above-referenced matter. As Your Honor is aware, Defendant filed a motion to dismiss Plaintiffs' Amended Complaint which is currently pending. This letter is respectfully submitted to inform the Court regarding a development under Florida Law, and to request a supplemental briefing schedule to address the development.

On June 29, 2021, the Governor of Florida signed into law Florida Statute § 768.39 which, in relevant part, provides immunity to educational institutions for COVID-related claims. (A copy of Florida Statute § 768.39 is attached as Exhibit A.¹) It is Defendant's position that Florida Statute § 768.39, in addition to the other reasons argued in support of the pending motion, further bars Plaintiffs' claims and alleged damages. Regardless, in light of this development, Defendant believes good cause exists for the Court to allow for supplemental briefing in connection with Defendant's pending motion to dismiss.

Accordingly, Defendant respectfully requests that the Court permit supplemental briefing to enable the parties to address Florida Statute § 768.39. Defendant proposes additional briefing on the following schedule: (1) Defendant's supplemental memorandum of law in further support of its motion to be filed within 21 days after the Court's order allowing for same, (2) Plaintiffs'

¹ Upon information and belief, because the law was just recently signed, it is not yet published in LEXIS. However, the text of the law (HB 1261) is published on the Florida House of Representative's website for HB 1261, at <https://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=72413&SessionId=90> (last visited July 16, 2021). The enrolled text of the bill is linked as well on that page, at <https://www.myfloridahouse.gov/Sections/Documents/loadoc.aspx?FileName=h1261er.docx&DocumentType=Bill&BillNumber=1261&Session=2021> (last visited July 16, 2021), and attached in relevant part as Exhibit A.

JacksonLewis

Hon. Cathy Seibel, U.S.D.J.
United States District Court
July 16, 2021
Page 2

supplemental opposition to be filed within 21 days thereafter, and (3) Defendant's reply within 10 days following the deadline for Plaintiffs' opposition.

The undersigned conferred with Plaintiffs' counsel regarding Defendant's intention to submit this request. Plaintiffs are in the process of considering their position regarding Florida Statute § 768.39, and have not joined in this request.

Thank you for your consideration.

Respectfully submitted,

JACKSON LEWIS P.C.



Jonathan M. Kozak
914-872-6885

Jonathan.kozak@jacksonlewis.com

cc: Counsel of Record (*via ECF*)